

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TARRELL MOSLEY,

Plaintiff(s),

v.

K. DOTY, et al.,

Defendant(s).

Case No. 2:14-CV-458 JCM (NJK)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (Doc. # 8). No objections have been filed and the deadline for filing objections has passed.

In her report and recommendation, Judge Koppe reviewed an order requiring plaintiff to show cause in writing, no later than September 23, 2014, why this case should not be dismissed for failure to update his address, (doc. # 6). Judge Koppe noted plaintiff's failure to file a response. Accordingly, Judge Koppe recommended that this case be dismissed without prejudice and the pending application to proceed *in forma pauperis*, (doc. # 3), be denied as moot.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review

1 employed by the district court when reviewing a report and recommendation to which no  
2 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz.  
3 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view that district  
4 courts are not required to review "any issue that is not the subject of an objection."). Thus, if  
5 there is no objection to a magistrate judge's recommendation, then this court may accept the  
6 recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting,  
7 without review, a magistrate judge's recommendation to which no objection was filed).

8 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
9 whether to adopt the recommendation of the magistrate judge. Upon reviewing the  
10 recommendation and underlying briefs, this court finds good cause appears to ADOPT the  
11 magistrate judge's findings in full.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
14 recommendation of Magistrate Judge Koppe, (doc. # 8), are ADOPTED in their entirety.

15 IT IS FURTHER ORDERED that this case is DISMISSED without prejudice.

16 IT IS FURTHER ORDERED that plaintiff's application to proceed *in forma pauperis*,  
17 (doc. # 3), be DENIED as moot.

18 The clerk shall enter judgment accordingly and close the case.

19 DATED October 16, 2014.

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22 UNITED STATES DISTRICT JUDGE  
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